

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 09-40132

RICHARD A. SMITH,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER DENYING MOTION TO REINSTATE CASE**

This case is before the Court on Debtor's "Motion to Reinstate Case," filed on January 16, 2009 (Docket # 13, the "Motion"), which this Court construes as a motion for reconsideration of the Court's January 14, 2009 Order dismissing this case (Docket # 12). The case was dismissed due to Debtor's failure to timely file a Statement of Social Security Number.<sup>1</sup>

The Court has reviewed and considered the Motion, and finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

In addition, the Court notes the following. First, the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), Fed.R.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

Second, the Court notes that the Debtor still has not filed a social security number

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<sup>1</sup> The Court notes that the Court's January 14, 2009 Order Dismissing Case contains the wrong dates for when Debtor filed a voluntary Chapter 7 petition and for when the Notice of Deficient Filing was sent to the Debtor. Debtor filed his bankruptcy petition on January 5, 2009 rather than October 31, 2008, and the Notice of Deficient Filing was sent to Debtor on January 5, 2009 rather than November 3, 2008. However, these clerical mistakes in the dismissal Order do not impact the Court's decision not to reinstate the case, because Debtor still failed to timely file a Statement of Social Security Number considering the correct dates. It therefore, was not an error for the Court to enter the Order Dismissing Case.

statement. That was due to be corrected no later than January 14, 2009, and still has not been corrected.

Third, the bankruptcy petition filed on January 5, 2009 was not signed by either the debtor or the debtor's attorney, and therefore is a nullity. This was due to be corrected no later than January 13, 2009, and it still has not been corrected.

Fourth and finally, the Court notes that the dismissal of this case was without prejudice and not with any bar to refiling, and therefore does not preclude the Debtor from filing a new bankruptcy case.

Accordingly,

IT IS ORDERED that the Motion is DENIED.

**Signed on January 20, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**